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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,301	02/24/2004	Hiroaki Kawai	1341.1107D2	5045
21171	7590	01/14/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			LEE, DIANE I	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,301

Applicant(s)

KAWAI, HIROAKI

Examiner

D. I. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/955,973.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/24/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-4 are presented for examination.

Priority

2. Acknowledgment is made that this application is a divisional application of application Serial No. 09/955973 filed 20 September 2001, which issued as U.S. Pat. No. 6,732,931

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

The certified copy has been filed in parent Application No. 09/955973, filed on 9/20/2001.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over a Prior Admitted by the applicant [PAAA] in view of Takumi [JP 06-259002, cited by the applicant].**

PAAA teaches that a conventional bar code reader 20 having:

a reading unit 20, which reads a code 71 provided to a commodity 70 (see figures 19-20);

an operator setting information collecting unit or storing unit 29 which collects an uniformly determined or a default operator setting information depending the uniformly determined or default personal features of operators engaged in operation for reading the code (i.e., the regardless of the individual operator setting information or personal features) (see page 5, par. 23);

a setting unit 28 sets operation standard on the basis of the uniformly determined or default operator setting information before the operation, i.e., the person in charge of the manufacturer of the

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barcode reader 20 is allowed to set initially or set again the setting information, thus, the setting operation takes place prior to the operation of the bar code reader 20 (see page 4, par. 16);

a controller 26 monitors all operation of the reading unit 20, which obviously includes the operation of monitoring whether the operation of the reader conforms to the preset operation standard or not (see page 4, par. 15).

PAAA fails to teach the operator setting information is basis on the individual operator setting information corresponding to a specific operator before the operation.

Takumi teaches a system enables each operator to set individual information based on the personal information or personal features including an operator's habit, the feature, an capacity (see the abstract). The fact that Takumi teaches that the personal features includes an operator's habit, the feature, an capacity, and etc., and wherein the operator's habit includes the rhythm of the operator for the rhythm of the operator as in personal features when operating the apparatus includes the movement or variation characteristics of the operator. A setting reading unit (bar code reader 5) reads the individual operator setting information based on the personal information or personal features before operation (see par. 12).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the flexible setting feature of each operator, as taught by Takumi, i.e., setting the operator setting information individually based on personal features of operator engaged in operation in the system of PAAA in order to conform the operation of the scanner to each individual's habits or features of the operators rather than each individual of operators having different habits or features conform to an uniformly predetermined or a default operation, and therefore, greatly optimize the scanning operation and further reduce the error by operator's scanning operation.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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Dumarot et al. [US 6,059,842] discloses a method of optimizing the operation of a system in accordance with system capabilities, user preferences.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



D. I. Lee
Primary Examiner
Art Unit 2876

D. L.
January 8, 2005